

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

FEB 24 2012

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	NO. H-37309 LA
12	JASON MARTIN GAILLIOT,)	L-2011061448
13	Respondent.)	<u>STIPULATION AND AGREEMENT</u>

15
16 It is hereby stipulated by and between JASON MARTIN
17 GAILLIOT, (sometimes referred to as "Respondent"), and
18 Respondent's attorney, Thomas Chapin, Esq., and the Complainant,
19 acting by and through Cheryl D. Keily, Counsel for the
20 Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on May 31, 2011,
22 in this matter.

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27 Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate
6 ("Department") in this proceeding.

7 3. On June 13, 2011, Respondent filed a Notice of
8 Defense, pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing,
17 such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. It is understood by the parties that the Real
21 Estate Commissioner may adopt the Stipulation and Agreement as
22 his decision in this matter, thereby imposing the penalty and
23 sanctions on Respondent's real estate licenses and license
24 rights as set forth in the below "Order". In the event that
25 the Commissioner in his discretion does not adopt the
26 Stipulation and Agreement, it shall be void and of no effect,
27 and Respondent shall retain the right to a hearing and

1 proceeding on the Accusation under all the provisions of the
2 APA and shall not be bound by any admission or waiver made
3 herein.

4 5. This Stipulation is based on the factual
5 allegations contained in the Accusation. In the interest of
6 expedience and economy, Respondent chooses not to contest these
7 allegations, but to remain silent and understand that, as a
8 result thereof, these factual allegations, without being
9 admitted or denied, will serve as a prima facie basis for the
10 disciplinary action stipulated to herein. The Real Estate
11 Commissioner shall not be required to provide further evidence
12 to prove said factual allegations.
13

14 6. This Stipulation and Respondent's decision not to
15 contest the Accusation are made for the purpose of reaching an
16 agreed disposition of this proceeding, and are expressly
17 limited to this proceeding and any other proceeding or case in
18 which the Department of Real Estate, or another licensing
19 agency of this state, another state or the federal government
20 is involved and otherwise shall not be admissible in any other
21 criminal or civil proceedings.
22

23 7. The Order or any subsequent Order of the Real
24 Estate Commissioner made pursuant to this Stipulation and
25 Agreement shall not constitute an estoppel, merger or bar to any
26 further administrative or civil proceedings by the Department of
27 Real Estate with respect to any matters which were not

1 specifically alleged to be causes for accusation in this
2 proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions
5 and waivers and solely for the purpose of settlement of the
6 pending Accusation without a hearing, it is stipulated and
7 agreed that the following determination of issues shall be made:

8 The conduct of Respondent, as described in the
9 Accusation, is grounds for the suspension or revocation of all
10 of the real estate licenses and license rights of Respondent
11 under the provisions of Sections 10130 and 10177(g) of the
12 Business and Professions Code.

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 ALL licenses and licensing rights of Respondent JASON
16 MARTIN GAILLIOT, under the Real Estate Law are revoked;
17 provided, however, a restricted real estate salesperson license
18 shall be issued to Respondent pursuant to Section 10156.5 of the
19 Code if Respondent makes application therefor and pays to the
20 Department the appropriate fee for the restricted license within
21 90 days from the effective date of this Decision.

22 I. The Restricted license issued to Respondent shall
23 be subject to all of the provisions of Section 10156.7 of the
24 Code and to the following conditions, limitations and
25 restrictions imposed under the authority of Section 10156.6 of
26 the Code:
27

1 1. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Commissioner in the
3 event of Respondent's conviction or plea of nolo contendere to a
4 crime which is substantially related to Respondent's fitness or
5 capacity as a real estate salesperson licensee.

6 2. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Commissioner on
8 evidence satisfactory to the Commissioner that Respondent has
9 violated provisions of the Real Estate law, the Subdivided Lands
10 Law, Regulations of the Real Estate Commissioner or conditions
11 attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for
13 issuance of an unrestricted real estate sales license nor for
14 the removal of any of the conditions, limitations or
15 restrictions of a restricted license until two (2) years have
16 elapsed from the effective date of this Decision.

17 4. Respondent shall submit with any application for
18 license under an employing broker, or any application for
19 transfer to a new employing broker, a statement signed by the
20 prospective employing real estate broker, on a form approved by
21 the Department, which shall certify:

22 (a) That the employing broker has read the Decision
23 of the Commissioner which granted the right to a restricted
24 license; and
25

26 (b) That the employing broker will exercise close
27 supervision over the performance by the restricted licensee

1 relating to activities for which a real estate salesperson
2 license is required.

3 II. Respondent shall, within nine (9) months from the
4 effective date of this Decision, present evidence satisfactory
5 to the Commissioner that Respondent has, since the most recent
6 issuance of an original or renewal real estate salesperson
7 license, taken and successfully completed the continuing
8 education requirements of Article 2.5 of Chapter 3 of the Real
9 Estate Law for renewal of a real estate salesperson license. If
10 Respondent fails to satisfy this condition, the Commissioner may
11 order the suspension of the restricted license until Respondent
12 presents such evidence. The Commissioner shall afford
13 Respondent the opportunity for a hearing pursuant to the APA to
14 present such evidence.

15 III. If and when a petition application is made for
16 reinstatement of a real estate license, the Real Estate
17 Commissioner will consider as one of the criteria of
18 rehabilitation whether or not restitution has been made to any
19 person who has suffered monetary losses as a result of the
20 allegations set forth in the Accusation filed in this case.

21
22
23 DATED: 8/9/12


24 _____
25 CHERYL D. KEILY, Counsel
26 DEPARTMENT OF REAL ESTATE


27 * * *

I have read the Stipulation and Agreement, and its
terms are understood by me and are agreeable and acceptable to

1 me. I understand that I am waiving rights given to me by the
2 California Administrative Procedure Act (including but not
3 limited to Sections 11506, 11508, 11509 and 11513 of the
4 Government Code), and I willingly, intelligently and voluntarily
5 waive those rights, including the right of requiring the
6 Commissioner to prove the allegations in the Accusation at a
7 hearing at which I would have the right to cross-examine
8 witnesses against me and to present evidence in defense and
9 mitigation of the charges.

10 Respondent can signify acceptance and approval of the
11 terms and conditions of this Stipulation and Agreement by faxing
12 a copy of its signature page, as actually signed by Respondent,
13 to the Department at the following telephone/fax number (213)
14 576-6917. Respondent agrees, acknowledges, and understands that
15 by electronically sending to the Department a fax copy of his
16 actual signature as it appears on the Stipulation and Agreement,
17 that receipt of the faxed copy by the Department shall be as
18 binding on Respondent as if the Department had received the
19 original signed Stipulation and Agreement.

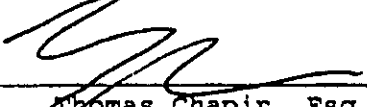
20
21 DATED: 2-5-12



JASON MARTIN GAILLIOT
Respondent

22
23
24 I have reviewed the Stipulation and Agreement as to
25 form and content and have advised my client accordingly.

26 DATED: 2/8/12



Thomas Chapin, Esq.
Attorney for Respondent
JASON MARTIN GAILLIOT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on MAR 15 2012, 2012.

IT IS SO ORDERED 2/17, 2012.

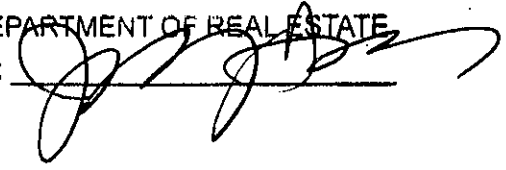

BARBARA J. BIGBY
Acting Real Estate Commissioner

1 CHERYL D. KEILY SBN 94008
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, California 90013-1105

FILED

5 Telephone: (213) 576-6982
6 Direct: (213) 576-6905

MAY 31 2011

DEPARTMENT OF REAL ESTATE
BY: 

9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation of) No. H-37309 LA
13 JASON MARTIN GAILLIOT,) A C C U S A T I O N
14 Respondent.)
15 _____)

16 The Complainant, Joseph Aiu, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against JASON MARTIN GAILLIOT ("Respondent") is informed and
19 alleges as follows:

20 1.

21 The Complainant, Joseph Aiu, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 his official capacity.

24 2.

25 Respondent is presently licensed and/or has license
26 rights under the Real Estate Law as a real estate salesperson.
27

3.

1
2 At all times herein mentioned, Respondent engaged in
3 the business of, acted in the capacity of, or advertised a loan
4 modification service and advance fee brokerage offering to
5 perform and performing loan modification and negotiation
6 services with respect to loans which were secured by liens on
7 real property for compensation or in expectation of compensation
8 and for fees often collected in advance as well as at the
9 conclusion of the transaction, including but not limited to the
10 activities described below.

11 a. On or about June 20, 2008, Jorge A. paid an
12 advance fee of \$1,000 to GAILLIOT doing business as Mogul Group
13 Inc. for the purpose of obtaining mortgage loan modification
14 services with respect to a loan secured by the real property.
15

16 5.

17 The activities described in Paragraph 4, above, require
18 a real estate broker license under Sections 10131(d) and 10131.2
19 of the Code.

20 6.

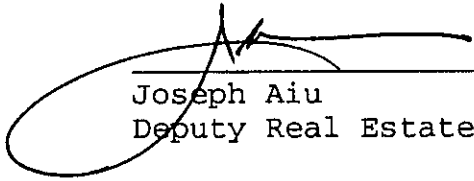
21 Respondent performed and/or participated in loan
22 modification, solicitation, and negotiation activities which
23 require a real estate broker license under the provisions of Code
24 Sections 10131(d) and 10131.2 when Respondent was not licensed by
25 the Department as a real estate broker nor employed as a real
26 estate salesperson by the broker on whose behalf the activities
27 were performed in violation of Section 10130 of the Code.

1
2 The conduct, acts and/or omissions of Respondent, as
3 set forth, above, violate Code Section 10130, and are cause for
4 the suspension or revocation of the licenses and license rights
5 of Respondent pursuant to Code Sections 10177(d), 10177(g) and/or
6 10177(j).

7 WHEREFORE, Complainant prays that a hearing be
8 conducted on the allegations of this Accusation and that upon
9 proof thereof, a decision be rendered imposing disciplinary
10 action against all the licenses and license rights of Respondent
11 JASON MARTIN GAILLIOT under the Real Estate Law, and for such
12 other and further relief as may be proper under other applicable
13 provisions of law.

14 Dated at San Diego, California

15 this 13 day of May, 2011.
16
17
18
19

20 
21 _____
22 Joseph Aiu
23 Deputy Real Estate Commissioner
24

25 cc: JASON MARTIN GAILLIOT
26 Aguilar Investments Inc.
27 New Century Real Estate Inc.
Joseph Aiu
Sacto.